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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/774,996 | 02/09/2004 | Michael Anthony Leon | | 2529 |

7590
Harry I. Leon
924 Bowen St., N.W.
Atlanta, GA 30318

03/31/2005

EXAMINER

HURLEY, KEVIN

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| ART UNIT | PAPER NUMBER |
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3611

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | | |
|------------------------------|------------------------|--|-----------------------|--|
| Office Action Summary | Application No. | | Applicant(s) | |
| | 10/774,996 | | LEON, MICHAEL ANTHONY | |
| | Examiner | | Art Unit | |
| | Kevin Hurley | | 3611 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-13 is/are pending in the application.
- 4a) Of the above claim(s) 8,9 and 11 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5 is/are rejected.
- 7) ☒ Claim(s) 4,6,7 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 8-9, 11 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election was made **without** traverse in the reply filed on 29 January 2005.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The claims include the use of the word "for" which indicates intended use. A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ2d 1647 (Bd. Pat. App. & Inter. 1987).

If Applicant(s) desire to give the phrase patentable weight, the Examiner respectfully recommends Applicant(s) remove "for" from the phrase where intended use is not desired.

4. Claims 1-3, 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kolbus et al. in view of Lin.

Kolbus et al. discloses a baby jogging cart having a handle 96, a rear axle 44, and front wheel support forks 52, the front wheel 32 being removed (Fig. 8);

means including a first flexible strap (Fig. 7) attached to the handle, and a second flexible strap 74 for removably attaching a second bicycle to the rear of the jogging cart;

a handle having an elongated hand grip 96 and a rigid frame which terminates upwardly in spaced apart first and second frame members 94, distal ends of the hand grip being attached to the frame members in such a way that the hand grip and frame members define an inverted, generally U-shaped structure for receiving the handle bar of the second bicycle when the handle bar is attached to the handle with the second flexible strap.

Kolbus et al. discloses the claimed invention except that the tow bar 120 connects to a first bicycle seat post instead of the first bicycle rear wheel support structure.

It is known in the art, as taught by Lin, to provide a means 4 for removably including a bracket assembly removably mounted on the rear wheel the rear wheel support structure of a first bicycle, the means extending rearwardly from the first bicycle and being fasted to the front wheel support forks of the jogging cart, the bracket assembly including two flange plates 41,42 which are movably coupled together and means, including a bolt 432 and nut 416, a hitch pin 441 mounted on the bracket assembly, and means including a flexible connector 44 attached to the hitch pin. Such an assembly provides a simple and reliable connection between the first bicycle and the jogging cart.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the seat post connection assembly disclosed by Kolbus et al. with the rear wheel connection assembly disclosed by Lin, in order to provide a simple and reliable

connection between the first bicycle and the jogging cart.

Allowable Subject Matter

5. Claims 4, 6-7, 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claim 13 is allowed.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references disclose convertible jogging carts.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Hurley whose telephone number is 571-272-6646. The examiner can normally be reached on Monday-Friday 9:30-5:00.

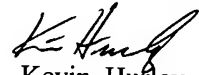
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6612. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kevin Hufley
Primary Examiner
Art Unit 3611

March 24, 2005